

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIRA OKAMOTO, YUICHI SHIMAKAWA,
and TAKASHI MANAKO

Application No. 09/198,376

MAILED

APR 25 2006

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 19, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 11, 1999 and March 27, 2006, appellants filed Information Disclosure Statements (IDSs). It is not clear from the record whether the examiner considered the IDSs submitted (for IDS filed May 11, 1999, "Hashimoto" and "Search report") or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Also, in the second examiner's answer filed October 15, 2004, there is no clear indication that an appeal conference was held because the examiner's answer contains only typed names. No signatures or initialing by the primary examiner or conferees are present. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Upon receipt of the appeal case by the Board of Patent Appeals and Interferences (Board), the Board should review the application prior to assigning an appeal number to determine whether an appeal conference has been held.

Accordingly, it is

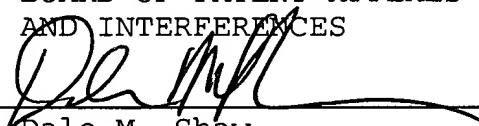
ORDERED that this application be returned to the examiner to: 1) consider the Information Disclosure Statements filed May 11, 1999 and March 27, 2006; 2) provide appropriate written notification by the examiner to appellants of such consideration; 3) provide proper indication that an appeal conference was held in the second examiner's answer filed October

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15, 2004; 5) notifying the appellants, in writing, that the appeal conference was held; and 6) for such further action as may be appropriate.

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By:


Dale M. Shaw
Program and Resource Administrator
(571)272-9797

cc: Whitham, Curtis, Christofferson, P.C.
11491 Sunset Hills Road
Suite 340
Reston, VA 21090

DMS/tdl